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EXAMINER

DIXON, THOMAS A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/302,034

Applicant(s)

ROSE ET AL.

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-80 and 82-126 is/are pending in the application.
- 4a) Of the above claim(s) 1-37 and 81 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-80 and 82-126 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a status of the case.

Claims 1-36 were originally filed, claims 1-36 were cancelled and claims numbered 37-119 by preliminary amendment A, filed 12/10/1999.

Claim 81 was cancelled, and claims 120-125 were added by Amendment B, filed April 2 2001, also, a second claim numbered 48 was introduced, in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution, duplicate claim 48 has been renumbered as claim 126.

Claims were amended in Amendment C, filed 06/14/2001.

Claims were amended in Amendment D, filed 08/02/2001.

A decision from the board reversed the previous examiner. The current examiner apologizes for the actions of the previous examiner, but must issue the rejections below.

Specification

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 80, 86-95, 98, 119 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 80, the phrases "the plurality of time-slots" and "the tables" lack antecedent basis. Further, the phrase "configured to an host Internet web site" is confusing, Claims 82-83, the phrase "the upgrade module" lacks antecedent basis. Claims 86-95 lack antecedent basis as they depend from a cancelled claim. Claim 98, the phrase "reservation system of claim 78" lacks antecedent basis. Claim 119, the phrase "the tables" lacks antecedent basis.

Double Patenting

4. Claim 98 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 79.

Claim 122 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 121.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Interpretation

5. Claims directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959).

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1657 (bd Pat. App. & Inter. 1987). Thus the structural limitations of claim 37, 80, 120, including a reservation booking module, a web site module and a restaurant maintenance module are disclosed in Cotton et al (WO

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00/63808) as described herein. Also as described the limitations of the claim do not distinguish the claimed apparatus from the prior art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 37-51, 53-60, 62-77, 80, 82-91, 93-96, 99-116, 119-124, 126 are rejected under 35 U.S.C. 102(e) as being anticipated by Cotton et al (WO 00/63808).

As per Claim 37.

Cotton et al ('808) discloses:

a reservation booking database having a plurality of records, the plurality of records corresponding to a plurality of time-slots for tables at a selected restaurant, see page 1, lines 3-13;

a web site module to enable an internet user to book a table at the restaurant, see page 2, lines 9-13, comprising:

a time-slot display module configured to display one or more available time-slots each corresponding to one or more tables at the selected restaurant's place of business, see page 14, lines 17-23;

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a booking module configured to permit the Internet user to book one of the available time-slots to reserve the corresponding table in the reservation booking database, see page 14, lines 17-23;

a restaurant maintenance module configured to provide the restaurant access to the restaurant's table reservation booking database, see page 3, lines 15-16;

a table reservation management module configured to permit the selected restaurant to book time-slots in the reservation booking database to reserve tables at the selected restaurant for customers not making bookings over the internet, see page 7, lines 5-18.

As per Claim 38.

Cotton et al ('808) further discloses a search module with the web site to enable the internet user to search for a selected restaurant among the plurality of restaurants, see page 14, lines 14-17.

As per Claim 39.

Cotton et al ('808) further discloses providing a time-slot search module with the web site to enable the internet user to search and display the available time slots for tables at the restaurant's place of business during a selected time period as defined by the Internet user, see page 14, lines 14-24.

As per Claim 40.

Cotton et al ('808) further discloses displaying the available and not-available time slot increments for tables accommodating a specific party size as defined by the internet user, see page 14, lines 14-26.

As per Claim 41.

Cotton et al ('808) further discloses providing personal information over the Internet to book one of the available time-slots, see page 14, lines 14-24 and page 12, lines 18-26.

As per Claim 42.

Cotton et al ('808) further discloses the personal information includes at least one of: the user's name, email address, mailing address, phone number, credit card information and password, see page 14, lines 14-24 and page 12, lines 18-26.

As per Claim 43.

Cotton et al ('808) further discloses the booking module of the web site module is further configured to write the personal information submitted by the Internet user into the reservation booking database of the restaurant, the personal information being written into the record of the restaurant's reservation booking database corresponding to the time-slot displayed by the time-slot display module and booked by the Internet user, page 8, lines 22-23.

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As per Claim 44.

Cotton et al ('808) further discloses confirmation module configured to generate a confirmation message over the Internet to the Internet user after the personal information has been written to the reservation booking database of the restaurant to confirm the booking of the selected time slot, see page 14, lines 30-32.

As per Claim 45.

Cotton et al ('808) further discloses a reminder module configured to send a reminder message over the Internet to the internet user of the booked time-slot for the reserved table at the restaurant's place of business a predetermined time period prior to the date of the booking, see page 15, lines 5-6.

As per Claim 46.

Cotton et al ('808) further discloses a link module configured to link to a web page of the associated restaurant, see page 6, lines 5-21.

As per Claim 47.

Cotton et al ('808) further discloses a password module, see page 12, lines 18-22.

As per Claim 48.

Cotton et al ('808) further discloses the reservation management module is further configured to permit the restaurant to manage a substantial portion of its time-slot inventory for table bookings made by both Internet users through the web site module and the non-Internet users, see page 3, lines 5-16.

As per Claim 49.

Cotton et al ('808) further discloses a restaurant display module configured to permit the restaurant to display the available and booked time-slots for the tables at the restaurant's place of business during a selected time period, see page 8, lines 10-13.

As per Claim 50.

Cotton et al ('808) further discloses the restaurant display module displays the time-slot inventory of tables at the restaurant, the booked time-slots and the unavailable time-slots during the selected period of time, see page 8, lines 10-13.

As per Claim 51.

Cotton et al ('808) further discloses the display is configured to display the time-slot inventory of tables and the time increments for the availability of the tables on a computer display, see page 7, line 29 – page 8, line 20.

As per Claim 53.

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Cotton et al ('808) further discloses display of bookings of time-slots for tables previously booked at the restaurant by internet users through the website module, see page 8, lines 22-23.

As per Claim 54.

Cotton et al ('808) further discloses display of the bookings of time-slots for tables previously booked for customers by the restaurant through the table reservation module, see page 8, lines 9-12.

As per Claim 55.

Cotton et al ('808) further discloses the time-slots displayed by the restaurant display module provides pointers to corresponding records among the plurality of records in the reservation booking database of the restaurant, see page 14, lines 10-13 and page 12, lines 25-26.

As per Claim 56.

Cotton et al ('808) further discloses the corresponding records contain field configured to store customer information related to the time-slot booked in the name of the customer, see page 14, lines 10-13.

As per Claim 57.

Cotton et al ('808) further discloses the personal information includes at least one of: the user's name, email address, mailing address, phone number, credit card information and password, see page 14, lines 14-24 and page 12, lines 18-26.

As per Claim 58.

Cotton et al ('808) further discloses the restaurant data entry to allow the restaurant to write customer information into one of the records to book an available time-slot in the name of the customer, see page 7, line 29 – page 8, line 13.

As per Claim 59.

Cotton et al ('808) further discloses each booked time-slot displayed by the restaurant display module is a link to a second data display that displays the customer information in a record when the booked time-slot is selected by the restaurant, see page 8, lines 1-3 and page 12, lines 25-26.

As per Claim 60.

Cotton et al ('808) further discloses the second data display is configured to display customer information in the record corresponding to the booked time-slot regardless of whether the time slot was booked over the internet by an Internet user or by the restaurant using the table reservation management module, see page 8, lines 1-24.

As per Claim 62.

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Cotton et al ('808) further discloses a customer search module to aid the selected restaurant in finding a booked time-slot booked in the name of a specified customer, see page 2, lines 2-3, page 3, lines 15-16, page 12, lines 25-26 and page 17, lines 16-21.

As per Claim 63.

Cotton et al ('808) further discloses the booking module searching using at least one of the following search criteria: date of booking, name, email address or telephone number of customer, see page 8, lines 9-13 and page 17, lines 15-19.

As per Claim 64.

Cotton et al ('808) further discloses a cancellation module configured to permit the Internet user to cancel over the Internet a previously booked time-slot for a table booked by the Internet user at the restaurant's place of business, see page 15, lines 11-16.

As per Claim 65.

Cotton et al ('808) further discloses a second cancellation module configured to permit the restaurant to cancel a previously booked time-slot for a table at the restaurant's place of business, see page 8, lines 3-4.

As per Claim 66.

Cotton et al ('808) further discloses a communication module configured to permit the restaurant to send communication messages to Internet users over the Internet, see page 15, line 17 – page 18, line 10.

As per Claim 67.

Cotton et al ('808) further discloses a block-out module configured to enable the restaurant to block-out time slots in the reservation booking database so that the blocked-out time slots cannot be booked, see page 11, lines 20-23.

As per Claim 68.

Cotton et al ('808) further discloses the web site module configured to reside on a central computing location coupled to the internet, see page 2, lines 9-21.

As per Claim 69.

Cotton et al ('808) further discloses restaurant maintenance module including the reservation booking database and the table reservation management module are configured to reside on a computer affiliated with the restaurant, see column 2, lines 9-21.

As per Claim 70.

Cotton et al ('808) further discloses the restaurant maintenance module is configured to write reservation updates to the restaurant's reservation booking database over the Internet to an aggregate database located at the central computing location, the aggregate database containing the reservation booking databases for a plurality of restaurants affiliated with the web site, see page 2, lines 9-21.

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As per Claim 71.

Cotton et al ('808) further discloses the restaurant maintenance module for the restaurant, the reservation booking database and the table reservation module are further configured to reside at the central computing location and are accessible from the restaurant over the Internet, see page 2, lines 9-21 and page 4, lines 5-6.

As per Claim 72.

Cotton et al ('808) further discloses an aggregate database configured to reside at the central computing location, the aggregate database including the reservation booking databases of a plurality of restaurants affiliated with the web site, see page 2, lines 9-21.

As per Claim 73.

Cotton et al ('808) further discloses the maintenance module for the restaurant is further configured to write updates to the restaurant's reservation booking database over the internet to a duplicate restaurant reservation booking database located on a computer associated with the restaurant, see page 2, lines 9-21.

As per Claim 74.

Cotton et al ('808) further discloses the website module for the restaurant configured to post information pertaining to the restaurant over the Internet, see page 4, lines 4-7.

As per Claim 75.

Cotton et al ('808) further discloses the restaurant maintenance module comprises an editing module configured to permit the selected restaurant to edit the restaurant's web page, see page 7, lines 11-27.

As per Claim 76.

Cotton et al ('808) further discloses the Internet search module is configured to locate the selected restaurant based on at least one of the following: name, location, or cuisine of the selected restaurant, see page 14, lines 14-17.

As per Claim 77.

Cotton et al ('808) further discloses the web site module is configured to display the search results of the search request submitted by the internet user, the search results including at least one of the following types of information for the restaurants meeting the search request: the name, location, cuisine, review, price range and posted comments regarding the restaurants, see page 14, lines 14-19.

As per Claim 80.

Cotton et al ('808) discloses:

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a reservation booking database having a plurality of records, the plurality of records corresponding to a plurality of time-slots for tables at a selected restaurant, see page 1, lines 3-13;

a central computing location configured to host an Internet website for booking reservations, see page 2, lines 9-13, comprising:

an Internet search module configured to identify the selected restaurant in response to a search request submitted by an Internet user to identify the selected restaurant affiliated with the web site, see page 14, lines 14-24;

a time-slot display module configured to display one or more available time-slots each corresponding to one or more tables at the selected restaurant's place of business, see page 14, lines 17-23;

a booking module configured to permit the Internet user to book one of the available time-slots to reserve the corresponding table in the reservation booking database, see page 14, lines 17-23;

a local computer located at the selected restaurant, the local computer configured to cooperate with the central computing location and including a table reservation management module configured to permit the selected restaurant to book time-slots in the reservation booking database to reserve tables at the selected restaurant for customers not making bookings over the internet, see page 7, lines 5-18.

As per Claim 82.

Cotton et al ('808) further discloses a second reservation booking database located on the local computer, the second reservation booking database configured to be a duplicate of the first reservation booking database associated with the selected restaurant, see page 2, lines 13-14.

As per Claim 83.

Cotton et al ('808) further discloses an update module located at the central computing location, the update module configured to update the second reservation booking database located at the local computer of the selected restaurant when the Internet user books one of the available time-slots in the reservation booking database of the selected restaurant, see page 2, lines 18-21.

As per Claim 84.

Cotton et al ('808) further discloses an update module located at the central computing location, the update module configured to update the second reservation booking database located at the local computer of the selected restaurant when the selected restaurant books one of the available time-slots in the reservation booking database of the selected restaurant, see page 2, lines 18-21.

As per Claim 85.

Cotton et al ('808) further discloses the table restaurant management module is further configured to permit the selected restaurant to manage a selected portion of its

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time-slots for table bookings made by both Internet users through the booking module or by non-internet users, see page 7, lines 19-27.

As per Claim 86.

Cotton et al ('808) further discloses wherein the table reservation management module further comprises a restaurant display module configured to permit the selected restaurant to display the available and the booked time-slots for the tables at the selected restaurant's place of business during a time period defined by the selected restaurant, see page 9, lines 5-28.

As per Claim 87.

Cotton et al ('808) further discloses the restaurant display module is further configured to display bookings of time-slots for tables previously booked at the selected restaurant by Internet users through the booking module, see page 7, line 29 – page 8, line 17 and page 17, lines 15-21.

As per Claim 88.

Cotton et al ('808) further discloses the restaurant display module is further configured to display the bookings of time-slots for tables previously booked for customers by the selected restaurant through the table reservation management module, see page 7, line 29 – page 8, line 17.

As per Claim 89.

Cotton et al ('808) further discloses the display module provides pointers to corresponding records among the plurality of records in the reservation booking database of the selected restaurant, see page 9, lines 11-17.

As per Claim 90.

Cotton et al ('808) further discloses the corresponding record contains fields configured to store customer information related to the time-slot booked in the name of the customer, page 12, lines 25-26 and column 14, lines 12-13.

As per Claim 91.

Cotton et al ('808) further discloses the record includes at least one of: a name field, a mailing address, an email address, a phone number or a password, see page 12, lines 20-26 and page 14, lines 12-13.

As per Claim 93.

Cotton et al ('808) further discloses the restaurant data entry module configured to allow the selected restaurant to write customer information into the record corresponding to the selected time-slot to book the selected time-slot in the name of the customer by the selected restaurant, see page 3, lines 15-16. and page 7, line 29 – page 8, line 13.

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As per Claim 94.

Cotton et al ('808) further discloses each time-slot displayed by the restaurant display module is a link to a second display that displays the customer information in the record corresponding to a booked time-slot when the booked time-slot is selected, see page 8, lines 1-4.

As per Claim 95.

Cotton et al ('808) further discloses a customer search module to aid the selected restaurant in finding a booked time-slot booked in the name of a specified customer, see page 2, lines 2-3, page 3, lines 15-16, page 12, lines 25-26 and page 17, lines 16-21.

As per Claim 96.

Cotton et al ('808) further discloses the system further comprises a cancellation module configured to permit the Internet user to cancel a previously booked time-slot for a table booked by the Internet user, see page 15, lines 11-16.

As per Claim 99.

Cotton et al ('808) discloses:

a first restaurant, a first booking database having a plurality of records, the plurality of records corresponding to a plurality of time-slots for tables at the first restaurant, see page 1, lines 3-13;

providing a restaurant reservation management module configured to enable the first restaurant to book time-slots in the first reservation booking database to reserve the tables at the first restaurant for customers not making bookings over the internet, see page 6, lines 22-27; and

providing an internet booking module configured to enable an internet user to book an available one of the time-slots to reserve one of the tables at the first restaurant, see page 6, lines 25-26 and figure 3.

As per Claim 100.

Cotton et al ('808) further discloses providing the first reservation booking database at the first restaurant's location, see page 6, lines 22-23.

As per Claim 101.

Cotton et al ('808) further discloses providing a copy of the first reservation booking database at a central computing location and updating the copy of the first reservation booking database when the first reservation books time-slots in the first reservation booking database to reserve tables for customers not making bookings over the internet, see page 7, lines 5-18.

As per Claim 102.

Cotton et al ('808) further discloses providing the first reservation booking database at a central computing location, see page 7, lines 5-18.

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As per Claim 103.

Cotton et al ('808) further discloses providing a copy of first reservation booking database at the first restaurant and updating the copy of the first reservation booking database when the Internet users book time-slots in the first reservation booking database provided at the central computing location, see page 7, lines 5-18.

As per Claim 104.

Cotton et al ('808) further discloses aggregating a plurality of reservation booking databases associated with a plurality of restaurants at the central computing location, see page 2, lines 9-14.

As per Claim 105.

Cotton et al ('808) further discloses maintaining a restaurant related web site, affiliating a plurality of restaurants with the web site, and providing the plurality of restaurants a plurality of reservation booking databases and a plurality of table reservation management modules respectively, see page 2, lines 9-14.

As per Claim 106.

Cotton et al ('808) further discloses providing a search module with the web site to enable the internet user to search for a selected restaurant among the plurality of restaurants, see page 14, lines 14-17.

As per Claim 107.

Cotton et al ('808) further discloses enabling the first restaurant to manage a selected portion of its time-slots for table bookings made by internet users and for customers not making reservations over the internet, see page 3, lines 3-20.

As per Claim 108.

Cotton et al ('808) further discloses providing a restaurant display module configured to enable the first restaurant to display the available and the booked time-slots for the tables at the first restaurant's place of business during a time period defined by the restaurant, see page 3, lines 15-16.

As per Claim 109.

Cotton et al ('808) further discloses the restaurant display module displays the bookings of time-slots for tables previously booked for customers by the first restaurant through the Internet, see page 8, lines 12-16.

As per Claim 110.

Cotton et al ('808) further discloses the restaurant display module displays the bookings of time-slots for tables previously booked for customers by the first restaurant through the reservation table management module, see page 8, lines 12-17.

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As per Claim 111.

Cotton et al ('808) further discloses configuring the displayed time-slots to correspond to records among the plurality of records in the first reservation booking database, see page 8, lines 13-17.

As per Claim 112.

Cotton et al ('808) further discloses enabling the restaurant to write customer information into the records, see page 7, line 30 – page 8, line 10.

As per Claim 113.

Cotton et al ('808) further discloses enabling internet users to write customer information into the records, see page 12, lines 17–26 and page 14, lines 15-25.

As per Claim 114.

Cotton et al ('808) further discloses at least one of name, mailing address, email address, phone number, and password, see page 12, lines 18-26.

As per Claim 115.

Cotton et al ('808) further discloses a customer search module to aid the restaurant in finding one of the time-slots booked in the name of a customer, see page 17, lines 15–19 and column 2, lines 2-3.

As per Claim 116.

Cotton et al ('808) further discloses providing a cancellation module to permit internet user to cancel a previously booked time-slot, see page 15, lines 11-16.

As per Claim 119.

Cotton et al ('808) discloses:

a first booking database having a plurality of records, the plurality of records corresponding to a plurality of time-slots for tables at the first restaurant, see page 1, lines 3-13;

a restaurant table reservation management module configured to enable the first restaurant to book time-slots in the first reservation booking database to reserve the tables at the first restaurant for customers not making bookings over the internet, see page 6, lines 22-27; and

an Internet booking module configured to enable an internet user to book an available one of the time-slots to reserve one of the tables at the first restaurant, see page 6, lines 25-26 and figure 3.

As per Claim 120.

Cotton et al ('808) discloses:

a reservation booking database means having a plurality of records, the plurality of records corresponding to a plurality of time-slots for tables at the restaurant, see page 1, lines 3-13;

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a web site module means for creating an Internet web site to enable an Internet user to book a table at the restaurant, see page 9, lines 18-28;

a time-slot display module means for displaying one or more available time-slots corresponding to one or more tables at the restaurant's place of business, see page 3, lines 2-11;

a booking module means for enabling the Internet users to book one of the available time-slots in the reservation booking database, see page 3, lines 2-11;

a restaurant maintenance module means for providing the restaurant access to the restaurant's table reservation booking database means, see page 6, lines 22-27; and

a table reservation management module means for enabling the restaurant to book time-slots in the first reservation booking database to reserve tables at the restaurant for customers not making bookings over the internet, see page 6, lines 25-26 and figure 3.

As per Claim 121, 122, 123.

Cotton et al ('808) further discloses displaying color coded reservations, such as red for reservations inside the cancellation window and blue for reservations outside the cancellation window, see page 8, lines 12-13, page 9, lines 5-10, and page 15, lines 14-15, which is seen to be displaying reservations in a first and second display mode.

As per Claim 124.

Cotton et al ('808) further discloses the website is configured to be accessible to the Internet user using a personal computer, see page 3, lines 7-8.

As per Claim 126.

Cotton et al ('808) further discloses the reservation management module is further configured to enable the number of records in the reservation booking database for the restaurant is defined by the restaurant, see page 7, lines 19-27 and page 8, lines 9-20.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cotton et al (WO 00/63808) in view of Official Notice.

As per Claim 52.

Cotton et al ('808) further discloses variables for setting up the look and functioning of the Tee Sheet including intervals between tee times, see page 8, lines 18-20, page 9, lines 5-28 and various types of commonly used defined playtimes with automatic recalculation, see page 9, line 29 – page 12, line 16, but does not specifically disclose a dinner or lunch seating.

Official Notice is taken that lunch and dinner seatings are well known in the restaurant art for the benefit of defined meal preparation and serving times.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to design an interval to indicate defined lunch and dinner seatings in the invention of Cotton et al for the benefit of defined meal preparation and serving times.

8. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cotton et al (WO 00/63808) in view of Mann (6,119,096).

As per Claim 61.

Cotton et al ('808) further discloses the second data display further comprises a data entry field configured to receive data input from the restaurant indicating that the customer that booked the time-slot has arrived at the restaurant.

Mann teaches checking in to confirm the reservation, see column 17, lines 1-14, for the benefit of assuring that all the seats are filled.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include an indicator that the customer that booked a table has arrived to ensure that the all the tables are full.

9. Claims 78-79, 92, 97-98, 117-118, 125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cotton et al (WO 00/63808) in view of McNally et al (5,850,214).

As per Claim 79, 97-98, 117.

Cotton et al ('808) discloses a Tee Sheet set up as an electronic grid like a spread sheet and foursomes can be displayed in expanded or contracted form and may be customized through the facility setup of page 7, lines 20-27, but does not specifically disclose providing a table layout display.

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McNally et al ('214) teaches display of tables, see figure 4, column 5, lines 41-46 and suggests variation regarding form layout for the benefit of displaying and communicating information in a way that is understandable to the users.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the electronic grid of Cotton et al to display a table layout as taught by McNally et al for the benefit of displaying and communicating information in a way that is understandable to the users.

As per Claim 92.

Cotton et al ('808) does not disclose smoking/non-smoking, special occasion, or special dietary request.

McNally et al ('214) teaches display with switches for preferences such as for smoking tables, see figure 4 (12) is old and well known consideration in the restaurant arts for the benefit of pleasing customers.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to take special requests, such as smoking into account as taught by McNally et al for the benefit of pleasing customers

As per Claim 118.

Cotton et al ('808) further discloses displaying color coded reservations, such as red for reservations inside the cancellation window and blue for reservations outside the cancellation window, see page 8, lines 12-13, page 9, lines 5-10, and page 15, lines 14-15, which is seen to be displaying reservations in a first and second display mode.

As per Claim 125.

Cotton et al ('808) does not disclose a wireless device.

McNally et al ('214) teaches a wireless device for restaurant reservation and wait list management, see column 1, lines 14-22 for the benefit of mobility in a restaurant environment.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use a wireless device for restaurant reservation and wait list management for the benefit of mobility in a restaurant environment

10. Claims 78-79, 92, 97-98, 117-118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cotton et al (WO 00/63808) in view of Quinn (3,688,276).

As per Claim 79, 97-98, 117.

Cotton et al ('808) discloses a Tee Sheet set up as an electronic grid like a spread sheet and foursomes can be displayed in expanded or contracted form and may be customized through the facility setup of page 7, lines 20-27, but does not specifically disclose providing a display of the layout.

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Quinn ('276) teaches display of layout, see column 3, line 34 – column 4, line 5 for the benefit of providing persons with preferences, such as isle seating to be accommodated.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the electronic grid of Cotton et al to provide a layout display to accommodate users with seating preferences.

As per Claim 92.

Cotton et al ('808) does not disclose smoking/non-smoking, special occasion, or special dietary request.

Quinn ('276) teaches considering special preferences, see column 3, line 34 – column 4, line 5 for the benefit of pleasing customers.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to take special requests, such as smoking, dietary preferences into account as taught by Quinn for the benefit of pleasing customers

As per Claim 118.

Cotton et al ('808) further discloses displaying color coded reservations, such as red for reservations inside the cancellation window and blue for reservations outside the cancellation window, see page 8, lines 12-13, page 9, lines 5-10, and page 15, lines 14-15, which is seen to be displaying reservations in a first and second display mode.

Prior Art Made of Record

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Quinn (3,688,276) and Huemoeller et al (5,855,006) teach a display of seating arrangements at an event.

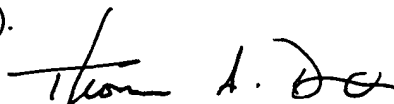
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas A. Dixon
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Art Unit 3629

December 04



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